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10 UNITED STATES DISTRICT COURT  
11 EASTERN DISTRICT OF WASHINGTON  
12

13 UNITED STATES OF AMERICA, ) NO: 1:21-CR-2003-SMJ-1  
14 )  
15 Plaintiff, )  
16 vs. ) PLAINTIFF'S SENTENCING  
17 ) MEMORANDUM  
18 )  
19 LAVANDER YAHTIN, )  
20 )  
21 Defendant. )  
22 )  
23 \_\_\_\_\_

24 Plaintiff, United States of America, by and through Vanessa R. Waldref,  
25 United States Attorney for the Eastern District of Washington, and Matthew A.  
26 Stone, Assistant United States Attorney, submits the following sentencing  
27 memorandum. The Government is seeking a sentence of ten years in prison  
28 followed by five years of supervised release:

I.

SENTENCING CALCULATIONS

The Government agrees with the sentencing guidelines calculations in the PSIR. The PSIR sets out a guideline sentence of 10 years in prison with a criminal history category of I. ECF No. 89 ¶ 86, 60.

II.

GOVERNMENT’S OBJECTION TO PSIR

The Government has no objections to the PSIR.

III.

SENTENCING FACTORS UNDER 18 U.S.C. §3553(a)

The Guidelines are the starting point and the initial benchmark for the sentencing process. *Kimbrough v. United States*, 128 S. Ct. 558 (2007). The Court “take[s] into account the totality of the circumstances” to determine whether a sentence is reasonable. *Gall v. United States*, 128 S. Ct. 586, 597 (2007).

1. The nature and circumstances of the offense and the history and characteristics of Defendant.

In the instant case, the Defendant was caught by law enforcement leaving the scene of an armed robbery at the Wolf’s Den in Wapato. Further investigation including video of the incident showed the Defendant approach the cashiers stand in the Wolf’s Den, pull a pistol from his coat and proceed to point it at the cashiers and demand they give him money from the cash register along with tobacco

1 products and beverages. The Defendant repeatedly threatened the cashiers and  
2 ultimately discharged the pistol at one of the cashiers, injuring the cashier, before  
3 fleeing the store and being apprehended by law enforcement. The Defendant did  
4 admit to what he did in an interview with the FBI.  
5

6 The Defendant is 22 years old and has no criminal history prior to this  
7 offense.  
8

9 2. The need for the sentence imposed to reflect the seriousness of the  
10 offense, promote respect for the law, and to provide just punishment.

11 The Defendant committed an armed robbery and threatened multiple  
12 cashiers before discharging his pistol during the course of the robbery. The  
13 discharging of the pistol led to injuries to one of the cashiers. The conduct of the  
14 Defendant was extremely serious and put multiple people's lives in danger. On the  
15 other hand, the Defendant is only 22 years old, and has no prior criminal history.  
16 Ten years in prison shows that this kind of conduct cannot be tolerated but takes  
17 into account the Defendant's age and lack of history as well as his acceptance of  
18 responsibility for the incident. The victims in this case were consulted about the  
19 government's recommendation and agreed with ten years.  
20  
21  
22  
23

24 3. The need for the sentence imposed to afford adequate deterrence to  
25 criminal conduct.

26 Given his lack of criminal history, ten years in prison is a very steep  
27 sentence for the Defendant. Hopefully, a ten-year prison sentence will deter the  
28 Defendant from engaging in criminal conduct again.

4. The need for the sentence imposed to protect the public from further crimes of Defendant.

The Defendant is a danger to the community based upon his conduct in this case. The Defendant put multiple cashiers lives in danger and discharged a pistol at one of them. Ten years of imprisonment followed by five years of supervised release should protect the public from further crimes of the Defendant.

5. The need for the sentence imposed to provide Defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

The Defendant does appear to be in need of educational and/or vocational training. The Defendant does not have a high school diploma or GED and his only employment history was at Legends Casino. The Defendant was using alcohol when this incident occurred and had marijuana in the vehicle that he was arrested in. Substance abuse treatment may be applicable. Five years of supervised release after a ten-year prison sentence would allow him an opportunity to pursue further education and employment and substance abuse treatment while being supervised by probation.

## IV.

## GOVERNMENT'S SENTENCING RECOMMENDATION

The government recommends that the Court impose a sentence of ten years in prison followed by five years of supervised release.

1 Respectfully submitted this 31st day of May 2022.

2  
3 VANESSA R. WALDREF  
4 United States Attorney  
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6 s\ Matthew A. Stone  
7 MATTHEW A. STONE  
8 Assistant United States Attorney  
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10 I hereby certify that on May 31, 2022, I electronically filed the foregoing  
11  
12 with the Clerk of the Court using the CM/ECF which will send notification of such  
13 filing to the following: Gregory Scott  
14

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